



Ballot Measure Information

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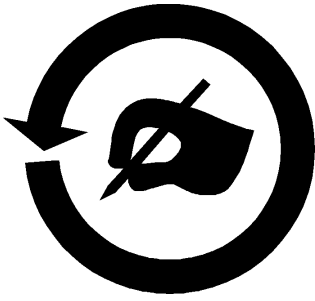
Washington State Voters Pamphlet

STATE GENERAL ELECTION
NOVEMBER 7, 2000

This is an electronic reproduction of the ballot measures section of the Washington State Voters Pamphlet, created in PDF (Portable Document Format). It contains pro/con arguments, explanatory statements, and full text for each of the seven measures appearing on the statewide ballot. Formatting is the same as in the printed pamphlet; only the page numbers have been revised for navigation purposes.

Because of size constraints, candidate information is not provided in PDF. To view candidate statements and photographs in HTML, visit the Online Voters Guide at vote.wa.gov.

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INITIATIVE MEASURE 713

PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 713 begins on [page 18](#).

Statement For

VOTE "YES" ON I-713 TO RESTRICT CRUEL AND DANGEROUS STEEL-JAWED LEGHOLD TRAPS AND DEADLY POISONS

STEEL-JAWED LEGHOLD TRAPS ARE CRUEL AND INHUMANE

Steel-jawed leghold traps and other body-gripping animal traps cause severe injury and suffering to wildlife and pets, causing lacerations, broken bones, and joint dislocations. The American Veterinary Medical Association, the World Veterinary Association, and the American Animal Hospital Association declare steel-jawed leghold traps "inhumane."

TRAPS AND POISONS POSE A DANGER TO CHILDREN, FAMILY PETS, AND ENDANGERED SPECIES AND ARE INDISCRIMINATE

Steel traps and lethal poisons such as sodium cyanide do not discriminate, victimizing any creature that stumbles upon them including eagles, cats, and dogs. They are like land mines. For every "target" animal killed by a trapper, studies indicate there are up to ten "non-target" victims.

ANIMALS SUFFER PROLONGED AND PAINFUL DEATHS IN STEEL-JAWED LEGHOLD TRAPS AND OTHER BODY-GRIPPING TRAPS

Animal victims languish in traps without food or water and with no protection from the elements or predators. Some animals chew off their feet to escape. Trappers kill animals by stomping, bludgeoning, and strangulation.

I-713 PROTECTS PEOPLE, LANDOWNERS, RANCHERS, THREATENED AND ENDANGERED SPECIES

I-713 does not ban all trapping. It prohibits the use of cruel traps for commercial and recreational purposes. Exceptions allow the use of certain body-gripping traps to protect human health and safety, private property, livestock,

Official Ballot Title:

Shall it be a gross misdemeanor to capture an animal with certain body-gripping traps, or to poison an animal with sodium fluoroacetate or sodium cyanide?

The law as it presently exists:

The trapping and handling of wildlife are currently the subject of a number of Washington statutes. Revised Code of Washington (RCW) 77.12.040 and RCW 77.15.190 provide the department of fish and wildlife the authority to adopt rules governing the trapping of wild animals. The department has adopted rules making certain trapping

or threatened and endangered species or for wildlife research. Rat, mouse, and cage traps are exempted. I-713 is a reasonable and common sense measure that brings Washington's trapping policies into the 21st century.

I-713 HAS BROAD SUPPORT

I-713 is endorsed by more than eighty-five conservation groups including eight Audubon Society chapters and leading environmental organizations, veterinarians, and elected officials including the Seattle City Council. Three thousand volunteers gathered a quarter of a million signatures to qualify I-713 for the ballot.

For more information, call 206.526.0949 or e-mail bantraps@seanet.com or visit www.bancrueltraps.org.

Rebuttal of Statement Against

I-713 targets steel-jawed leghold traps and other inhumane and indiscriminate traps used for fur trapping and two poisons – nothing more, nothing less. I-713 opponents can't defend fur trapping so they mislead voters with outrageous and false claims. I-713 allows body-gripping traps to protect public health and safety, property, livestock, and endangered species. It doesn't ban trapping of moles, gophers, mice, or rats – animals not trapped for fur.

Ever seen a mole coat? Neither have we.

Voters Pamphlet Statement Prepared by:

SHIRLEY MUSE, Blue Mountain Audubon Society, Walla Walla; JOHN GRANDY, Ph.D., wildlife biologist, Humane Society of the United States; JACK LAUFER, wildlife biologist, Olympia; TIM COLEMAN, Kettle Range Conservation Group, hunter, veteran, Republic; KURT BEARDSLEE, Executive Director, Washington Trout, Duvall; DR. LARRY SIEGLER, veterinarian.

equipment and practices unlawful. (Washington Administrative Code 232-12-141). Violation of a trapping rule is a misdemeanor.

RCW 77.15.190 also makes it unlawful to set out traps capable of taking wild animals without possessing all licenses, tags or permits required by law, and requires identification tags on all fur-bearing animal traps. RCW 77.15.440 makes it unlawful to use traps on a game reserve. Property owners and tenants are authorized, in RCW 77.16.170, to remove traps left on their property.

RCW 16.52.190 makes it unlawful to poison animals, except that this law allows euthanizing by the owners of animals or by instruction of public authorities, and allows the reasonable use of rodent and pest poisons, insecticides, fungicides, and slug bait for their intended purposes. RCW 16.52.195 makes this practice a gross misdemeanor.

The effect of the proposed measure, if it becomes law:

This measure would make it a gross misdemeanor to use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur. "Body-gripping trap" would mean a trap that grips an animal's body or body part, and would include, among others, steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-

type live beaver traps, and common rat and mouse traps would not be considered "body-gripping traps."

It would be unlawful to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap. It would also be unlawful to use or authorize the use of body-gripping traps for any "animal," which is defined as any nonhuman vertebrate.

For limited purposes, the director of fish and wildlife could grant special permits for the use of Conibear traps in water, padded leghold traps, and nonstrangling type foot snares. The director could permit these types of traps to be used to protect people from threats to their health and safety, or after making a written finding that an animal problem could not be abated by the use of nonlethal control tools. The director could also issue permits for the conduct of legitimate wildlife research. The director could authorize the use of certain traps by state employees or agents to protect threatened or endangered species, if that is the only practical means. Even with any of the above permits, the trapper could not lawfully sell the fur of the animal trapped.

The measure would also make it a gross misdemeanor to poison or attempt to poison any animal using sodium fluoroacetate (also known as Compound 1080) or using sodium cyanide.

Violations could result in criminal penalties in addition to revocation of trapping licenses. Persons with multiple convictions would be ineligible to receive any more trapping licenses.

Statement Against

I-713 IS A FATALLY-FLAWED, POORLY WORDED, ILL-CONCEIVED MEASURE DRIVEN BY POLITICAL AGENDA. PLEASE VOTE NO.

If I-713 becomes law the result will have broad unintended ramifications, including hurting efforts to control pests, disease research and recover endangered species. Regulating wildlife by ballot creates unresponsive resource management systems that put people and property at risk. The issues are too complex, the risks too high. Science, not animal rights rhetoric, should control wildlife management.

I-713 IS TOO EXTREME AND UNREASONABLE. WE WON'T BE ABLE TO TRAP MOLES AND GOPHERS!

I-713 prevents homeowners from trapping moles or gophers and creates numerous other resource management problems that could require the taxpayers to be ultimately responsible for paying for costly wildlife-related damage claims and lawsuits. I-713 would create a new, expensive bureaucracy in state government. The measure allows for certain processes but does not say how, or who, pays. Costs could run into the millions.

SCIENCE SHOULD DECIDE OUR PUBLIC SAFETY POLICY.

IS I-713 WORTH RISKING OUR EARLY WARNING SYSTEM?

I-713 places the Washington State Zoonotic Disease Surveillance Program administered by the Department of Health at risk – making it much harder to control bubonic plague, rabies, hantavirus and other animal borne pathogens dangerous to humans. I-713 makes it more difficult and much more expensive for state wildlife agencies to control predators and other nuisance animals. I-713 takes

wildlife management out of the hands of scientists and professional managers and puts it into the hands of untrained bureaucrats.

WHY BAN A POISON THAT IS ALREADY ILLEGAL? MISLEADING POLITICS MASQUERADING AS SOUND PUBLIC POLICY.

I-713 is misleading. It bans a poison that is already illegal and claims that environmental, disease control and other critical functions performed by trapping are protected. They are not. It is an emotional proposal driven by politics, not science, that contributes nothing to resolving the habitat and pollution problems impacting our wildlife.

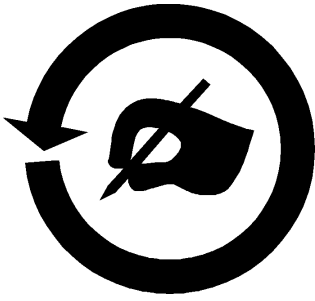
For more information, call 360.379.1057 or visit www.ResponsibleWildlifeManagement.org.

Rebuttal of Statement For

I-713 does not protect landowners, ranchers or endangered species. If it did the Washington State Cattlemen and Sheep Producers Associations would not have joined the Wildlife Society – the best wildlife management scientific minds available – and over 200 other organizations and public opinion leaders in opposing I-713. Do not be misled by political rhetoric and misleading information. Please cast a common sense vote important to responsible wildlife management and just say "No" to I-713.

Voters Pamphlet Statement Prepared by:

ED OWENS, Chair, Citizens for Responsible Wildlife Management; JAMEY LAYMAN, Director, Inland Northwest Wildlife Council; TONY WELLS, Director, Citizens for Washington Wildlife; MRS. B.J. (BOBBIE) THORNILEY, Director, Washingtonians for Wildlife Conservation; LINDA JOHNSON, Government Relations, Washington Farm Bureau; MORGAN GRANT, President, Washington Game Warden Association.



INITIATIVE MEASURE 722

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall certain 1999 tax and fee increases be nullified, vehicles exempted from property taxes, and property tax increases (except new construction) limited to 2% annually?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 722 begins on [page 19](#).

Statement For

**POLITICIANS OVERREACTED TO I-695
BY RAISING TAXES IN 1999 –
270,000 PETITION SIGNERS THINK THAT'S UNFAIR**

In the final months of 1999, politicians throughout the state increased many taxes and fees in an obvious attempt to get around I-695's voter-approval-for-tax-increases requirement (which started January, 2000). They were premature – the Legislature prioritized programs previously funded by license tab fees and used part of the \$1 billion tax surplus to help them. Isn't it fair for I-722 to now get rid of those unfair increases? (voter approved tax increases – like school levies – would not be invalidated). If politicians think their tax increases are truly needed, they can reintroduce them and voters can decide whether they're necessary or not.

**POLITICIANS ALSO CIRCUMVENTED I-695 BY
SHIFTING MORE TAXES ONTO PROPERTY OWNERS –
I-722 STOPS THEM**

I-722 prevents property tax assessors from sticking our vehicles on the property tax rolls (as they repeatedly threatened to do) and prevents them from jacking up property taxes to get around I-695's voter approval requirement. I-722 limits property tax increases to a fair 2% annual cap. Property taxes are simply skyrocketing in our state – unless we defuse this "property tax time bomb" now with I-722, only rich people will be able to afford a home in Washington.

**THE GOVERNMENT WILL OBVIOUSLY
ADJUST TO I-722 (THE SAME WAY WE ADJUST
WHEN THEY RAISE OUR TAXES)**

As far as "lost revenue" is concerned, politicians simply can't complain – I-722 doesn't take away any more money from the government than they had in 1999. Besides, even

after the passage and implementation of I-695, the government still has a \$1 billion tax surplus.

**WE KNEW OUR INITIATIVE WOULD BE ATTACKED,
SO WE PURPOSELY MADE I-722
A VERY MODERATE PROPOSAL**

I-722 doesn't slash property taxes, it simply limits property tax increases. Please vote "Yes" and tell the politicians to stop ignoring the taxpayers – after all, we're paying the bills.

For more information, call 425.493.8707 or visit www.i-722.org.

Rebuttal of Statement Against

When voters overwhelmingly approved I-695 last year, they expected \$30 tabs and voter-approval-for-tax-increases. I-722 is necessary to reaffirm voters' intent – "tax and fee increases imposed without voter approval are unacceptable." Let's protect our rights! And under I-722, no one will pay more for property taxes, everyone will pay less. I-722 carefully follows state supreme court rulings and exercises a legitimate exemption to ensure neighborhood preservation by making property tax increases predictable and uniform. Vote "Yes."

Voters Pamphlet Statement Prepared by:

TIM EYMAN, proud of our volunteers who got I-722 signatures; MONTE BENHAM, outraged, 23% property tax increase in Pasco; JACK FAGAN, infuriated, 27% property tax increase on Bainbridge Island; CONRAD KRACK, fisherman, property tax valuation increased 33%, Seattle; TED THEODORE, disabled, property tax valuation increased 46%, Medical Lake; DIANE AUBREY, sold her home because property tax increases, Richland.

The law as it presently exists:

Initiative Measure No. 695, which went into effect on January 1, 2000, prohibits “the state” from enacting “tax increases” without voter approval. Initiative No. 695 defines the term “state” to include all political subdivisions and local governments as well as the state government and its agencies. Initiative No. 695 defines the term “tax” to include not only traditional taxes but also certain fees and charges, such as license fees, permit fees, and impact fees. Before January 1, 2000, various laws permitted the state and local governments to establish certain taxes and fees without voter approval, although there were exceptions.

Another portion of Initiative Measure No. 695 repealed certain statutes relating to motor vehicle excise taxes, including a statute that exempted motor vehicles from property taxes so long as they were subject to motor vehicle excise tax (RCW 82.44.130). This repeal raised an issue whether motor vehicles were now subject to personal property tax. However, the 2000 session of the legislature

passed a new law making motor vehicles, travel trailers, and campers exempt from property tax (Laws of 2000, ch. 136).

Property taxes are levied each year by the state and by local governments on taxable property (most real property and certain types of personal property) held in this state. Property taxes are assessed against the value of the property, which is determined each year by the county assessors. Existing law requires property to be valued at 100% of its true and fair value (RCW 84.40.030).

The amount of property tax levied each year depends on the levy decisions of the various taxing districts. The term “taxing district” includes the state itself and any local government with authority to impose a property tax. Both the state constitution and state statutes limit the aggregate of all regular tax levies on any real and personal property, generally to a total of 1% of the property’s true and fair value (Const., art. VII, § 2; RCW 84.52.050, .043). The 1% limitation does not apply to voter-approved levies.

State statutes also limit the amount each taxing district

(continued on [page 16](#))

Statement Against

Voters in Washington State sent a message last year when they approved Initiative 695, which reduced the tax on auto tabs. The impacts are still being sorted out. It is not time to impose “the Son of 695” until the consequences are fully realized.

I-722 IS UNNECESSARY.

Initiative 722 would exempt vehicles from the property tax. The Legislature has already exempted them, making this measure unnecessary.

I-722 IS UNFAIR.

This initiative would change the property tax in a way that would shift the burden of the tax. Owners of expensive property would pay less than they would under the current system and owners of average or less valuable property would pay more than under the current system.

This initiative hurts small farmers, residents and businesses in rural areas. Owners of property with stable or falling value would pay more under Initiative 722 than they would pay under the present system, which is based on fair market value. People who are already struggling will be hurt the most.

I-722 IS A PIECEMEAL EFFORT TO ADDRESS COMPLEX TAX PROBLEMS.

No one likes to pay taxes, but some taxes are necessary. Our tax system should be fair, comprehensive and carefully thought out. Initiative 722 would take further steps to reduce taxes for the wealthy and impose them on the middle class. It is the wrong measure, at the wrong time.

I-722 WILL SURELY FACE A COURT CHALLENGE.

Many believe these tax changes will not meet the requirements of the state Constitution.
Vote No on I-722.

Rebuttal of Statement For

I-722 irresponsibly depletes our state’s emergency fund and weakens our ability to save. Prudent family budgeters know better.

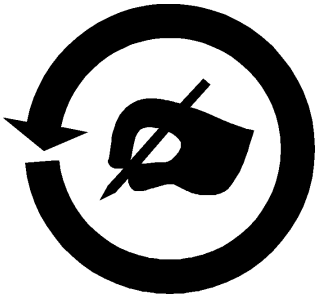
Here’s the real story. Expecting I-695 shortages, elected officials acted to protect public services essential to our most vulnerable—elderly, children, disabled.

Legislators didn’t circumvent I-695. They passed SSB6115 exempting vehicles from property tax.

Don’t be fooled. I-722 is not “moderate”—it provides windfalls for high-value property owners by shifting the burden to small homeowners and businesses.

Voters Pamphlet Statement Prepared by:

ELIZABETH PIERINI, President, League of Women Voters of Washington; TOM ALBRO, Chairman, Municipal League of King County; GENE LUX, President, People for Fair Taxes.



INITIATIVE MEASURE 728

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall school districts reduce class sizes, extend learning programs, expand teacher training, and construct facilities, funded by lottery proceeds, existing property taxes, and budget reserves?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 728 begins on [page 20](#).

Statement For

The people of Washington State expect and deserve great public schools. A quality public education system is crucial to our state's economic prosperity and our children's future.

Without raising taxes, I-728 lets schools reduce class sizes, expand learning opportunities, increase teacher training, invest in early childhood education, and build classrooms for K-12 and higher education.

WASHINGTON HAS THE 3RD WORST STUDENT/ TEACHER RATIO IN THE NATION

Parents and teachers know that smaller classes increase student learning, decrease classroom disruption and make for more successful schools and students. I-728 gives local school districts the resources to lower class size by hiring more teachers and building more classrooms.

INCREASE STUDENT ACHIEVEMENT AND SUPPORT NEW, HIGHER ACADEMIC STANDARDS

In 1993, Washington State established new, higher standards for academic achievement. To make increased student achievement a reality, I-728 gives every school district the capacity to provide all students with more individualized instruction, more quality learning time, and modern schools.

LOCAL COMMUNITIES KNOW BEST: LOCAL CONTROL AND ACCOUNTABILITY

I-728 authorizes every school district to make the changes necessary to improve their schools' performance and their students' learning. Local school districts are accountable to their communities for using the new funds to increase student achievement.

NO NEW TAXES

We can afford to invest in our schools and our future without raising taxes or taking money away from other programs. I-728 is funded by lottery proceeds, surplus state revenues and by returning a portion of state property taxes to local school districts.

I-728 was written by and is supported by parents, educators, and community leaders across the state. Together with the 297,000 citizens who signed I-728, we ask you to vote Yes on I-728!

For more information, call 206.283.5549 or visit www.YesOn728.com.

Rebuttal of Statement Against

Governor Locke responds, "I-728 is both necessary and fiscally sound. It invests surplus revenues in education without hurting the state budget."

Having the nation's third largest class sizes is unacceptable. I-728 accomplishes what the Legislature hasn't: smaller classes and stable school funding.

I-728 dedicates the lottery to school construction.

I-728 does not raise taxes.

I-728 maintains ample reserves and funding for other state services. Business, labor, education, and social service leaders support I-728. Vote Yes.

Voters Pamphlet Statement Prepared by:

RITA CREIGHTON, President, Washington State PTA; JUDY JANES, Edmonds School Board; President, Washington School Directors' Association; GARY KIPP, Principal (Longview); President, Association of Washington School Principals; PETER KU, Chancellor, Seattle Community Colleges (not speaking for colleges); GARY LIVINGSTON, Superintendent (Spokane); President, Washington Association of School Administrators; LEE ANN PRIELIPP, President, Washington Education Association.

The law as it presently exists:

The state's system of public schools, serving children from kindergarten through high school (grade 12), is funded primarily through appropriations by the state legislature. Most of the funds appropriated for schools and related purposes come from the state general fund.

Revenue from the state lottery and revenue from the property tax levied by the state for the support of the schools is placed in the state general fund, to be spent as the legislature determines.

The amount of state general fund that can be expended each year is limited by an "expenditure limit," first enacted by Initiative Measure 601. This state expenditure limit is lowered if the cost of any state program or function is shifted from the state general fund to another source of funding. The expenditure limit is raised if the cost of any state program or function is shifted to the general fund from another source of funding.

All state general fund revenues received in excess of the

state expenditure limit are placed in an emergency reserve fund. The emergency reserve fund balance may not exceed 5% of the annual state general fund revenues as projected by the official state revenue forecast. Money received in excess of this amount is transferred to an education construction fund, which may be spent only on school or higher education construction.

The effect of the proposed measure, if it becomes law:

This measure would create a new student achievement fund in the state treasury and would specify how the money in this fund would be spent. School districts would be authorized to use student achievement funds to reduce class size, to provide extended learning opportunities, to provide additional professional development for educators, to provide early assistance for children who need pre-kindergarten support, and to provide building improvements relating to class-size reductions.

(continued on [page 16](#))

Statement Against

I-728 is extreme and unnecessary, and will cause harm to essential state services.

I-728 takes a meat cleaver to the state budget, when careful reforms and prudent investments are what's needed to continue to improve Washington schools.

I-728 would remove \$1.7 billion from the state's general fund over the next six years.* This will make it difficult to fund other critical responsibilities, including competitive salaries for teachers and state workers, services to children and the elderly, health care, environmental protection, higher education, and local criminal justice.

The governor's budget office projects basic expenditure needs will exceed state revenues in the next biennium. I-728 takes a bad budget outlook and makes it much worse, requiring cuts in services or tax increases to meet basic needs.

I-728 cuts urgently needed school construction funding by \$4.0 billion over six years.*

I-728 destroys the voter-approved spending limit, I-601, which brought stability to the state budget and made possible meaningful tax relief. The will of the voters will be ignored, and we'll be back to the uncontrolled spending and tax increases of the past.

There is no need for I-728. The state will spend \$10.3 billion on K-12 education this biennium, an increase of 62 percent since 1993. This year the state allocated new money to schools for exactly the purposes proposed by I-728 — class size reduction, extended learning and teacher training — but in a fiscally responsible way.

Vote No on I-728.

*Source: Washington Legislature.

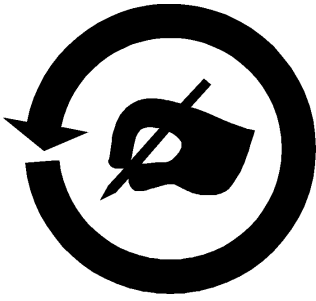
Rebuttal of Statement For

It's foolish to believe that pulling \$2.0 billion out of the state's general fund over the next six years will not have an impact on teacher salaries, elderly services, higher education and other programs without raising taxes.

A 1999 bipartisan audit found that increasing teacher salaries, experience and education all have a greater impact on student performance than lowering the pupil-teacher ratio. Providing the salary increases teachers need will be made harder by I-728.

Voters Pamphlet Statement Prepared by:

TOM HUFF, State Representative; BRIAN THOMAS, State Representative; TERRY MACE, member, Washington Health Care Association; DIANE SYMMS, member, Independent Business Association; DAVE WOOD, People for Fair Taxes.



INITIATIVE MEASURE 729

PROPOSED TO THE PEOPLE

Official Ballot Title:

Shall school districts and public universities be authorized to sponsor charter public schools, independently operated, open to all students, and subject to revised state regulation?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 729 begins on [page 25](#).

Statement For

Charter schools are public schools designed and operated by non-profit organizations made up of parents, teachers or community leaders. The schools operate under terms of a contract –charter– negotiated with the sponsoring local school board or four-year public university.

CHOICE – INNOVATION – ACCOUNTABILITY

Charter public schools give parents another choice in guiding their children's education within Washington's public school system.

Because charter public schools are schools of choice, they are directly accountable to students, parents, teachers and their sponsor.

In exchange for freedom to innovate, they are accountable for their students' ability to meet rigorous standards.

As part of the public school system, charter schools must meet high academic standards and use state certified teachers. They are required to give annual progress reports and may be audited at any time.

The sponsoring local school board or four-year public university monitors their quality and effectiveness and can withdraw sponsorship if the school is not performing.

The charter school spirit of innovation and competition will help propel all of our public schools forward.

INCLUSIVE

Charter public schools:

- Are open to all students.
- Must follow all health, safety and civil rights laws.
- Cannot charge tuition or have a religious affiliation.

DOES NOT INCREASE TAXES

Charter public schools cannot levy taxes. They receive the same amount of state funding per enrolled student as other public schools. Local levy tax money may be

allocated only when the charter school's sponsor is the local school district.

CHARTER SCHOOL CHOICE IS ALREADY AVAILABLE IN 36 STATES

Washington's families also deserve the quality public school choices charter schools will offer.

For more information, call 206.442.9160 or visit www.yes729.org.

Rebuttal of Statement Against

Parents, teachers, and children deserve choices beyond the status quo. Charter Public Schools are public schools.....open and free to all. The "special interest" they serve is children.

Charter Public Schools won't raise taxes. I-729 is referred to as a "non-budget related" initiative.

In a diverse and increasingly complicated society, Charter Public Schools will spur innovation and learning. I-729 gives parents, teachers, and students choices in improving public education, while remaining accountable to the public.

Voters Pamphlet Statement Prepared by:

JUDITH BILLINGS, former Superintendent of Public Instruction; DOUG WHEELER, Executive Director, Zion Prep; DR. SAM SMITH, former President, Washington State University; ROBERTO MAESTAS, Executive Director, El Centro De La Raza; JEANNETTE HAYNER, former State Senator and school board member; MARI CLACK, Long-time public education advocate.

The law as it presently exists:

The state constitution imposes upon the state the paramount duty of making ample provision for the education of all resident children. This duty has been implemented by the legislature through the creation of a public school system.

Certain educational standards are set by the legislature, the superintendent of public instruction, and the state board of education. In addition, the legislature delegates to each locally elected school district board the responsibility for all public schools within its district. School district boards must comply with certain statewide standards but they select the number, size, and location of school buildings, the teachers, staff, curriculum, and textbooks.

Each school district has discretion to determine where a student attends school, except for students who are home-schooled or enrolled in private schools. Most districts assign students to schools, but may also offer students some choice of school or school program within a district. Occasionally, a student may attend school in another district, if certain requirements are met.

Currently, public schools are formed by the local school

boards and cannot be created or operated by any other entity. Private persons or organizations may establish private schools, which are subject to certain, but not all, standards and regulations applicable to public schools. Generally, these private school regulations are intended to ensure health, safety, and basic education requirements.

The state provides no funding for schools owned or operated by private entities, although public schools or agencies may, in limited circumstances, contract for the services of a private school, such as contracts for special education or other special programs.

The effect of the proposed measure, if it becomes law:

This measure would authorize the establishment of charter public schools. Each charter public school would be operated by a nonprofit corporation and sponsored by either (1) the school district where the school is located or (2) any state or regional university. The sponsoring university would approve the charter of a charter public school by action of the governing board or by an official or agency designated

(continued on [page 17](#))

Statement Against

CHARTER SCHOOLS: UNCONSTITUTIONAL, UNFAIR, EXPENSIVE.

Washington State's constitution requires a "general and uniform system" of public schools. That is why, for nearly 200 years, our schools have been called "common schools." The public schools are for everyone. And yet the proponents of I-729 seek special treatment. They don't want the rules to apply to them...just to everybody else. Charter schools, by their very definition, cater to special interest groups.

NO ACCOUNTABILITY – TO YOU, THE TAXPAYERS, OR TO THE STATE.

I-729 would send public tax dollars to these new schools with little or no accountability to any elected official...not your local school board, not the state superintendent of public instruction. And this, just when we all rightly demand more public accountability for our tax dollars, to ensure the success of all children.

\$16M OF YOUR TAX DOLLARS FOR PRIVATE SCHOOLS.

The state budget office predicts that these new schools will cost Washington taxpayers up to \$16M, to pay for youngsters now educated at home or in private schools. Make no mistake about it...I-729 is public funding for private schools.

YOU, THE VOTERS HAVE ALREADY SPOKEN!

Charter schools were on the ballot in Washington state in 1996. Two-thirds of our citizens soundly rejected that proposal. Two-thirds. Charter schools did not even receive 40% "yes" votes in any single county in Washington. What has changed since that resounding defeat? Nothing...and yet charter school zealots brought their rejected proposal back

to the legislature every year – where it was also rejected – every year.

Vote No on yet another unconstitutional initiative funded by special interests!

Vote No on private schools funded with your state dollars!

Vote No on I-729!

For more information, call 360.943.5721 or visit www.i729.org.

Rebuttal of Statement For

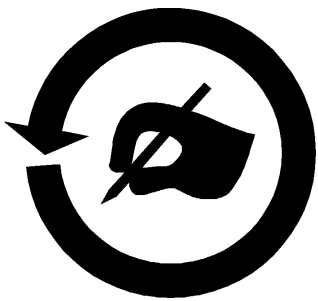
"Operated by non-profit organizations?" I-729 gives your tax dollars to private boards who can and do contract with for-profit corporations to run their experimental charter schools. Taxpayers should be extremely skeptical of schemes financed by special interests.

Washington ranks third highest in the nation in providing innovative, alternative public school choice. Higher academic standards and public accountability are already in place. Our schools need and deserve your support.

Keep the "public" in our public schools.

Voters Pamphlet Statement Prepared by:

ELIZABETH PIERINI, President, League of Women Voters of Washington; JON L. RABINE, President, Joint Council of Teamsters #28; CAROL MOHLER, President, Washington State Special Education Coalition; GLENN GORTON, President, Public School Employees of Washington; ANNE GOLDEN, Legislative Chair, Washington State School Directors Association; MILT SNYDER, Ph.D., Technology Corporations Consultant; Washington Association of School Administrators.



INITIATIVE MEASURE 732

PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 732 begins on [page 31](#).

Statement For

ATTRACT AND KEEP THE BEST FOR OUR CHILDREN THE TEACHER AND SCHOOL EMPLOYEE COST-OF-LIVING INITIATIVE

Our children deserve talented, dedicated teachers. It's the single most important thing we can do to improve the quality of their education.

That's why the Washington PTA, Governor Locke, and bi-partisan community leaders across the state support the straightforward I-732.

YES TO COMPETING FOR THE BEST

Washington faces a serious teacher shortage. Yet our teachers, staff and community college faculty have not received a raise in 4 of the last 8 years. Washington educators are paid below the national average and lag even further behind states like Oregon and California that are aggressively recruiting our best teachers -- providing signing bonuses, forgiving college loans and offering more competitive salaries.

I-732 will help narrow the gap to help recruit quality educators into the profession -- and keep them here in Washington.

YES TO ACCOUNTABILITY AND FAIRNESS

We expect more of educators than ever before. Under state standards, starting teachers will have to pass competency tests and meet 17 performance criteria. And all teachers must complete higher-level coursework throughout their careers. Educators should be held accountable, but they deserve salaries that attract and keep the best.

YES TO QUALITY EDUCATORS AND SMALLER CLASSES

Washington teachers face the 3rd largest class sizes in the nation. We need smaller classes, but they're only as

Official Ballot Title:

Shall public school teachers, other school district employees, and certain employees of community and technical colleges receive annual cost-of-living salary adjustments, to begin in 2001-2002?

The law as it presently exists:

Public schools (pre-school through high school), community colleges, and technical colleges are largely funded by the legislature. State funding generally is allocated to school districts and college districts pursuant to formulas estab-

good as the teachers we put in them. We need to do both -- reduce class sizes and pass I-732 -- to recruit quality educators.

From the classroom to the lunchroom, from the library to the nurse's office, dedicated teachers and staff are working together for the quality education of our children. Vote Yes to attract and keep the best.

For more information, call 206.256.0245 or e-mail yeson732@seanet.com or visit www.yeson732.com.

Rebuttal of Statement Against

Yes to narrowing the gap.

Next to parents, educators are among the most important people in our children's lives. But we pay them much less than many other professions with similar education and experience. With a \$1.1 billion surplus, let's use existing resources for more competitive salaries. Endorsers include:

- Washington PTA
- Washington School Principals and Superintendents
- Washington Education Association
- Washington School Board Members
- Public School Employees of Washington
- 298,722 Washington Voters who signed I-732.

Voters Pamphlet Statement Prepared by:

DR. TERRY BERGESON, Washington Superintendent of Public Instruction; KAREN MIKOLASY, Washington Teacher of the Year (1999), H.S. English; NICOLE McGOWAN, Citizens for Quality Educators and local PTA co-chair; LEE ANN PRIELIPP, English Teacher and Washington Education Association, President; GLENN GORTON, Public School Employees of Washington, President, Wenatchee.

lished by the legislature. The state funding formulas include amounts for the salaries of staff positions, including teachers. The legislature has discretion to determine whether these amounts include salary increases, and does not automatically provide funding for salary increases according to a fixed or established schedule or rates. The legislature decides in its discretion whether or not to fund any salary increases, for which positions, and the amount of the increase.

If and when the legislature elects to fund school district or college district staff salary increases, the moneys appropriated by the legislature are allocated to local districts, and generally distributed to staff in accordance with each district's salary schedules, collective bargaining agreements, and compensation policies.

The effect of the proposed measure, if it becomes law:

This measure would provide automatic cost-of-living increases each year to all school district employees. The cost-of-living increases would be calculated by applying the rate of the yearly increase in the cost-of-living index to any

state-funded salary base used in state funding formulas for school district employees. Beginning with the 2001-02 school year, each school district would receive enough funds from the legislature to grant this increase, including mandatory salary-related benefits. The state would fully fund these increases as a part of its basic education program. "Cost-of-living index" would mean, for any school year, the previous calendar year's annual average consumer price index, compiled by the United States Department of Labor for the state of Washington.

The measure would also provide similar cost-of-living increases for academic employees of community and technical college districts and to classified employees of technical colleges, calculated similarly to the increases to school district employees and funded by legislative appropriation.

The school districts and college boards of trustees would distribute their cost-of-living allocations in accordance with their salary schedules, collective bargaining agreements, and compensation policies. Each school district and college district would certify each year that it had spent funds provided for cost-of-living increases on increased salaries and salary-related benefits.

Statement Against

I-732 IS DIVISIVE AND THREATENS VALUABLE STATE PROGRAMS

I-732 adds no state revenue—it only consumes more of existing resources.

I-732 can only have two consequences: the legislature must either drastically cut other state programs or lift the state's "spending lid."

I-732 pits school employee pay against roads and transportation, children's needs, seniors, law enforcement, crime prevention, parks and other legitimate needs. Citizens must unite to come up with a funding strategy that addresses all of the state's needs.

I-732 IS ALSO UNFAIR

School employees aren't the only public employees with pay inequities. What about state foresters whose work adds trust fund value to pay for school construction? What about community college staff or university faculty, who also school our kids? What about transportation engineers who design our roads and who are 30% underpaid or Park Rangers underpaid by 22.5%?

I-732 excludes 80,000 deserving public employees!

I-732 COULD HURT SCHOOL EMPLOYEES

Unless the I-601 spending lid is lifted, I-732 could actually hurt all public employees including school employees. Legislators can't pay out what the spending lid won't allow. What school employees get in I-732 pay they might wind up losing in their health benefit funding.

I-732 FUNDS ONE NEED AT THE EXPENSE OF ALL OTHERS

As a labor organization representing 5,000 public employees, it is difficult to oppose gains for any worker.

However, I-732 drives a wedge between state-funded programs. It also drives a wedge between state-funded employees. It is divisive and exclusionary. We should be united and work together on behalf of all citizens' needs.

If the I-601 spending lid is the problem, then we must face up to it and the legislature must lift it.

Rebuttal of Statement For

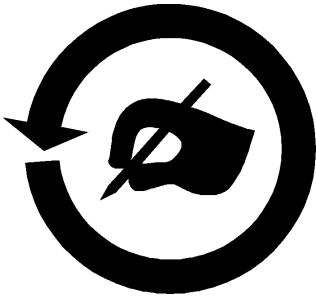
Transportation improvements, environmental protection, seniors, crime prevention, parks and at-risk children, should not be underfunded to spend more on education and I-732 pay raises.

Underfunding will happen, unless legislators set aside the state's spending limit imposed years ago by Initiative 601. The limit also disallows spending \$1.8 billion in surplus state revenues – for education and I-732, or for anything else.

I-732 funds one need at the expense of all others. That's wrong.

Voters Pamphlet Statement Prepared by:

IKE IKERD, WPEA board member; JIM AUSTIN, WPEA board member; YOGI IODICE, WPEA treasurer; DICK WILLIAMS, WPEA board member; EARL KALLES, WPEA board member.



INITIATIVE MEASURE 745

PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 745 begins on [page 32](#).

Statement For

**SINCE 1986, WASHINGTON'S BUILT
ONLY 47 NEW MILES OF ROADS
WHILE POPULATION CONTINUED TO INCREASE**

We have the 3rd worst traffic congestion in the country because road capacity has not kept pace with population growth.

**I-745'S FUNDING FORMULA
(90% FOR ROADS, 10% FOR ALTERNATIVES)
MATCHES HOW PEOPLE ACTUALLY GET AROUND**

Cars and trucks account for 94.6% of all transportation trips – alternatives, like buses, account for just 5.4%. The Office of Financial Management estimates we currently spend 70% of our transportation taxes on roads and 30% for alternatives. They spend 70% of your money on something you use 95% of the time! The vast majority of us need the freedom and flexibility only a vehicle can provide – I-745 simply requires lawmakers to allocate our taxes based on reality.

But this doesn't mean we abandon people who need transportation assistance. Under I-745, alternative modes of transportation will continue to receive substantial funding totaling \$1 billion every two years. I-745 is exclusively a transportation initiative – it doesn't affect funding for schools, police, or other non-transportation programs. I-745 won't raise your taxes – sufficient tax revenues exist, including Washington's \$1 billion tax surplus, to reach the 90-10 ratio required under I-745.

**A RESPECTED STUDY SHOWS
ADDING JUST 4% TO OUR ROADS
WOULD DECREASE TRAFFIC CONGESTION 25%**

By widening arterials, installing efficient on-and-off ramps, and increasing road capacity at our major bottlenecks, we can solve our traffic problems and improve Washington's

Official Ballot Title:

Shall 90% of transportation funds, including transit taxes, be spent for roads; transportation agency performance audits required; and road construction and maintenance be sales tax-exempt?

The law as it presently exists:

Under existing law, transportation is the responsibility of both state and local governments. The state department of transportation constructs and operates a system of state

air quality. It's not that we can't fix these problems, we simply haven't tried.

**I-745 WILL FINALLY ADDRESS
WASHINGTON'S EVER-RISING TRANSPORTATION
ADMINISTRATIVE COSTS
(4TH HIGHEST IN THE NATION)**

Transportation agencies' performance is currently not measured. I-745 enables our State Auditor to see if our transportation dollars are being spent effectively. This will ensure accountability and efficiency. More than 270,000 citizens signed I-745. Please join them and vote "Yes" and let's get Washington moving again.

For more information, call 425.493.8707 or visit www.i-745.org.

Rebuttal of Statement Against

With continued increases in population, expanding our road capacity is the only cost-effective way to solve our traffic congestion problems. I-745 doesn't abandon alternatives, like buses (they'll continue to get \$1 billion every two years). I-745 simply requires spending to match usage, meaning most transportation spending will go toward critical infrastructure that benefits everyone (road construction, maintenance, lane extensions, bridges, car-carrying ferries, arterials, on-and-off ramps). I-745 ensures better roads and long-overdue performance audits. Vote "Yes."

Voters Pamphlet Statement Prepared by:

TIM EYMAN, appreciates 270,000 citizens who signed I-745 petitions (thanks!); MONTE BENHAM, "best part of I-745 are the performance audits"; JACK FAGAN, concerned lawmakers will raise taxes if I-745 loses; ANN BENDER, "520 bridge should've been widened in 1980!", Bellevue; BOB HENKEL, "congestion is bad – we need more roads," Tacoma; ANDRE' GARIN, wants cleaner environment by ending traffic gridlock, Vancouver.

highways. In addition, the department operates the state ferry system and provides support for rail transportation and some small airports in the state. Counties and cities construct and maintain their own systems of roads and streets. Counties and cities also have authority to operate ferry and public transit systems. Special purpose districts have been created to operate public transit and rail systems on a local or regional basis. Each of these governments operates with funds derived from taxes or from user fees (such as ferry and bus fares) in various proportions.

The state auditor presently conducts periodic audits of all state and local agencies to ensure their compliance with the constitution and laws of the state, with local ordinances, and with applicable accounting practices (RCW 43.09). These audits are not "performance audits" as that term is generally understood. The Joint Legislative Audit and Review Committee, a legislative committee, has legal authority to conduct performance audits of state agencies or of local governments receiving state funds (RCW 44.28).

Materials, labor, and services used in the construction or maintenance of state-owned roads, streets, highways, places, easements, rights of way, mass public transportation termi-

nals and parking facilities, bridges, tunnels, and trestles are presently subjected to the retail sales tax (RCW 82.08) and use tax (RCW 82.12). In addition, materials (but not labor and services) used in the construction or maintenance of other publicly owned roads, streets, highways, places, easements, rights of way, mass public transportation terminals and parking facilities, bridges, tunnels, and trestles are presently subjected to retail sales tax and use tax. Contractors pay sales tax on materials and labor used in construction projects on facilities owned and operated by the federal government.

The effect of the proposed measure, if it becomes law:

This measure would declare that new road and lane construction and road maintenance would be the state's top priority for transportation system improvements. The measure would direct the legislature, in consultation with local governments, to adopt implementing legislation which would require a minimum of 90% of transportation funds to be spent on construction of new roads, new lanes on existing roads,

(continued on [page 17](#))

Statement Against

WASHINGTON STATE HAS A TRAFFIC PROBLEM – I-745 WILL NOT SOLVE IT. I-745 WILL MAKE IT WORSE.

I-745's 90% for roads is a "one-size-fits all" solution to our state transportation problems that will not work. Real traffic solutions require providing people with choices that include both good roads and good public transportation, including buses, ferries, and rail.

Roads are important, but taking the money away from public transportation to fund them will only make traffic worse.

WE NEED CHOICES. PUBLIC TRANSPORTATION IS AN IMPORTANT PART OF THE SOLUTION FOR MANY AREAS.

I-745 dictates that 90% of all transportation funds go to one solution – roads. It also puts politicians and bureaucrats in Olympia in the driver's seat – giving them control of our local transportation funding. I-745 limits our options. If roads are the only transportation priority, other choices like transit will be severely cut. With less public transportation more people will be forced to drive, putting even more cars on the road. Seniors, disabled people, and those unable to drive will lose their ability to get around.

LOCAL CONTROL IS NEEDED TO SOLVE TRANSPORTATION PROBLEMS – I-745 TAKES AWAY LOCAL CONTROL.

Recently voters in Grays Harbor, Clallam and Island Counties have voted to support public transit as a choice in their community. I-745 would send that money – along with other locally approved funds from around the state – to the State Legislature, to be spent on roads. The will of the voters in those communities would be ignored.

WHO REALLY BENEFITS FROM PASSAGE OF I-745? ASPHALT PAVING COMPANIES – NOT US.

"Washington Citizens for Congestion Relief" was founded by the Asphalt Paving Association of Washington. With help from oil companies, they paid over half a million dollars to buy signatures to get I-745 on the ballot.

They will make millions and we will still be stuck in traffic.

For more information, call 206.343.4491 or visit www.No745.org.

Rebuttal of Statement For

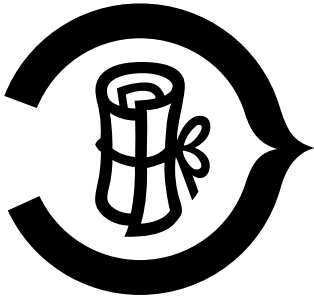
Asphalt pavers bought the signatures to put I-745 on the ballot. Their campaign and their studies make claims that are misleading and inaccurate.

Washington's transportation problems need a solution that includes both road improvements and transportation choices for local communities. I-745's requirement that all transportation funding be split 90%-10% does not allow us to maintain real transportation choices.

That's why seniors, business, churches, labor, the disabled, and conservation groups, recommend voting No on 745.

Voters Pamphlet Statement Prepared by:

ELIZABETH PIERINI, President, League of Women Voters of Washington; STEPHANIE SOLIEN, Board Chair, Washington Conservation Voters; WILL PARRY, President, Puget Sound Council of Senior Citizens; LOUISE MILLER, Republican, King County Council; RICK BENDER, President, Washington State Labor Council; ROGER BERGH, President, Washington State Good Roads & Transportation Association.



SENATE JOINT RESOLUTION 8214

PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the 2000 Legislature on final passage:

Senate: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

House: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Official Ballot Title:

Shall the state constitution be amended to permit state funds held in trust for persons with developmental disabilities to be invested as authorized by law?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8214 begins on [page 33](#).

Statement For

SJR 8214: HELPING PEOPLE WITH DEVELOPMENTAL DISABILITIES LEAD INDEPENDENT LIVES

Helping persons with developmental disabilities be as independent and self-sufficient as possible is an important goal for our communities. In 1999 the Developmental Disabilities Trust Fund was established to help make this goal a reality. Under this public private partnership, families will establish individual trust accounts, the state will provide a level of matching funds, and the money will be invested. The program is compassionate and cost effective. SJR 8214 strengthens this important partnership by making more money available without raising taxes.

SJR 8214: HOW IT WILL MAKE DOLLARS GO FURTHER

State law now limits investment of the trust fund to low-return investments, like government bonds and savings certificates. SJR 8214 will allow the trust fund to be invested in stocks and bonds that can produce higher returns. The investments would be managed by investment professionals with the State Investment Board, which is bound by the highest fiduciary and prudent investment standards. Higher investment earnings means more money is available when services are most needed – that's good for people with developmental disabilities, their families, and taxpayers.

Changes to the state constitution like this one proposed by SJR 8214 have been approved by the voters twice before, and taxpayers, retirees, employees and employers have all gained from the higher returns in pension and worker compensation funds. Investing these trust fund dollars in the same way can help people with developmental disabilities and their families for years to come.

SJR 8214: COMMON SENSE INVESTMENT IN COMPASSION

Vote Yes on SJR 8214. It makes a compassionate and cost effective partnership better.

Voters Pamphlet Statement Prepared by:

LORRAINE WOJAHN, State Senator; GEORGE SELLAR, State Senator; LANCE MOREHOUSE, parent of developmentally disabled child; TRACY VANDEWALL, Pierce County Parent Coalition for Developmentally Disabled; MARY JO WILCOX, Thurston County Parent Coalition; TED DANIELS, citizen advocate for developmentally disabled community.

The law as it presently exists:

The state constitution generally limits the investment of state funds. Article VIII, sections 5 and 7 and article XII, section 9 prohibit the investment of state funds in the stocks and bonds of private companies, associations, or corporations. As a result, state funds can generally be invested only in savings certificates and in the obligations of government agencies. Constitutional amendments adopted in 1968 and in 1985 permit the legislature to determine how public pension and retirement funds and industrial insurance (worker's compensation) funds may be invested. These amendments are contained in article XXIX, section 1 of the constitution.

The legislature has established trust funds for the benefit of persons with developmental disabilities. Unless the constitution is amended, these funds may be invested only in savings certificates or obligations of government agencies.

The effect of the proposed measure, if it becomes law:

If adopted, this measure would remove the constitutional limitations on investment of any fund held in trust for the benefit of persons with developmental disabilities. The legislature would be authorized to determine by law how these funds could be invested.

Statement Against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8214 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



INITIATIVE MEASURE 722 (continued from page 5)

The law as it presently exists (continued):

may increase its regular tax levy over the overall amount collected in previous years. Under this “limitation factor” regular property taxes levied by a taxing district generally may not exceed the lower of 106% or 100% plus inflation, multiplied by the amount collected in the highest of the three most recent years. In other words, a taxing district may increase its levy by no more than the lower of (a) the previous year’s inflation rate or (b) 6% over the highest of the three previous years. Taxing districts with fewer than 10,000 residents are limited by only the 106% limitation, and not the inflation factor. Other taxing districts, but not the state, may increase their levies up to the 106% level if they follow special procedures and find a substantial need. (RCW 84.55.010, .0101). These limitations do not apply to increases in property value due to new construction.

Local taxing districts that have not levied the full amounts legally available in prior years may levy the amount that would be allowed under the “limitation factor” if the district had levied the full allowable amounts in each year beginning with 1986. The statute, RCW 84.55.092, provides that the purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level in order to protect future levy capacity. This provision does not apply to the state.

The effect of the proposed measure, if it becomes law:

This measure would declare “null and void” any tax increases adopted without voter approval by state and local governments in Washington between July 2, 1999, and December 31, 1999, and would require that any such increase be refunded to the taxpayers. The term “tax” would include sales and use taxes; property taxes; business and occupation taxes; fuel taxes; impact fees; license fees; permit fees; water, sewer, and other utility charges, including taxes, rates, and hook-up fees; and other excise taxes, fees, or monetary charges imposed.

This measure would also state that motor vehicles are exempt from property taxes as long as the retail sales tax is applied to vehicles.

The measure would further provide that, so long as sales of property are subject to local real estate excise tax, a person would be exempt from a legal obligation to pay that portion of property taxes attributable to any increase in value of property (other than for new construction or manufacture) over its 1999 valuation level, plus the lesser of 2% per year or inflation. As long as construction materials are subject to the retail sales tax, a person would be exempt from a legal obligation to pay the portion of property tax on newly constructed or manufactured property after 1999 over the property tax imposed on the owner of a comparable property constructed as of 1999, plus the lesser of 2% per year or inflation.

The measure would also create an exemption from property tax for increases in tax attributable to maintenance improvements made after January 1, 1999. “Maintenance improvements” would include reconstruction after fire and natural disaster or replacement of existing components such as roofs, siding, windows, doors, and painting.

The measure would also amend RCW 84.55.005 to change all of the “106%” limitation factors on property tax levy increases to “102%.” The new limit factors would be the lower of 102% or inflation, with the same exceptions for certain taxing districts as are provided in existing law. In other words, a taxing district could increase its levy by no more than the lower of (a) the previous year’s inflation rate or (b) 2% over the highest of the three previous years.

The measure would repeal RCW 84.55.092. Taxing districts not levying the maximum amount in prior years would no longer be able to “recapture” levy capacity in future levies.



INITIATIVE MEASURE 728 (continued from page 7)

The effect of the proposed measure, if it becomes law (continued):

The measure would take the state lottery revenues currently deposited in the general fund and would divide these between the education construction fund and the student achievement fund. Until June 30, 2002, 50% of the revenues would be placed in each of the two funds. From 2002 to 2004, 75% of the revenues would be placed in the student achievement fund and 25% in the education construction fund. After July 1, 2004, all state lottery revenues (after meeting other obligations) would be placed in the education construction fund.

The measure would require that a portion of the proceeds of the state property tax levy be deposited in the student achievement fund to be distributed directly to school districts. From 2001 to 2003, \$140.00 per student would be distributed to each school district each year, based on the average number of full-time equivalent students in the school district during the previous school year. Starting with calendar year 2004, this amount would be increased to \$450.00 per student, adjusted each year for inflation.

The measure would provide that the dedication of lottery revenues and property tax revenues would not change the state expenditure limit.

The measure would also change the distribution of any revenues received in excess of the maximum allowed in the emergency reserve fund. Seventy-five percent of excess revenues would be transferred to the student achievement fund and 25% to the general fund balance. The percent placed in the student achievement fund would be reduced when the state’s per-student funding of K-12 education meets a level of 90% of the national average of total funding for students as calculated by the United States Department of Education.



INITIATIVE MEASURE 729 (continued from page 9)

The effect of the proposed measure, if it becomes law (continued):

by the governing board. Only a school district could sponsor the conversion of a conventional public school to a charter public school.

Each charter public school would be administered by a board of directors with authority to hire employees, contract for goods and services, acquire property, and accept gifts and donations from governmental and private entities (except sectarian or religious organizations). Charter schools would not have the power of taxation or of eminent domain. Charter schools would be prohibited from charging tuition or issuing tax-backed bonds. Fees could be charged for optional noncredit extracurricular events.

Neither the charter public school sponsor nor the school district in which a charter public school is located would be liable for any of the acts or omissions of the charter public school.

A charter public school could issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of property and equipment. The credit of the state, of the sponsoring institution, the school district, and other political subdivisions and agencies could not be pledged for the payment of such debt.

A charter public school could operate one or more grades, kindergarten through twelve, as provided in a renewable five-year contract granted by the sponsoring district or institution. Charter public schools would be exempt from state statutes and rules applicable to public schools, except that they would be required to: comply with state and federal health, safety, and civil rights laws; participate in nationally normed standardized achievement tests; employ certificated instructional staff, with certain exceptions like apply to other public schools; comply with employee record check requirements; be subject to school district financial and audit requirements; comply with annual performance report requirements; report at least annually on progress toward meeting performance goals specified in their charters; and comply with the open public meetings act.

A charter public school would be required to enroll all students who submit a timely application, with priority for those residing in the school district where the school is located if capacity is insufficient. A charter public school could not limit admission based on race, religion, ethnicity, national origin, gender, income level, intellectual ability, disabling condition, proficiency in the English language, or athletic ability. A charter public school could limit admission to students within a given age group or grade level.

Charter applications would be made to a qualified sponsor and could be approved, renewed, modified, or revoked according to standards set forth in the measure. If the sponsor is a school district, the district would be required to provide prompt and timely funding for charter public schools on a per student basis in the amounts the schools would have received if the students were enrolled in conventional public schools in the district. Local levy moneys approved by the voters before the effective date of a charter would not be allocated to a charter public school unless the sponsoring school district determined it had authority from voters to allocate maintenance and operation excess tax levy money to the charter public school. After the effective date of a charter, charter public schools would be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district.

If the sponsor is not a school district, students in a charter public school would be students of the district in which the school is located for general fund apportionment purposes, and funding for these students would be provided to the public charter school through the superintendent of public instruction. A charter public schools account would be created to receive appropriations and provide financial grants to approved charter public schools for start-up costs.

For the four years beginning on January 1, 2001, the maximum number of charters that could be granted under this measure would be 20 per year. These numbers would not include conventional public schools converting to charter schools. Until January 1, 2003, no charter school could be sponsored in a school district with a student enrollment of less than 1,000 students.

Chapter 41.56 and chapter 41.59 RCW concerning collective bargaining rights would apply to charter public schools, except that the employees of a charter public school could not be in the same bargaining units with employees of school districts or educational service districts. Charter public school employees would be eligible for membership in the same retirement systems as corresponding public school district employees, if consistent with federal law.



INITIATIVE MEASURE 745 (continued from page 13)

The effect of the proposed measure, if it becomes law (continued):

improvements to the traffic carrying capacity of roads, or maintenance of roads. The term "transportation funds" would include state and local government funds spent for transportation purposes, including the transportation fund, the highway fund, public transit and ferry operating accounts and reserves, public transit and ferry capital accounts and reserves, local government transportation accounts, public transportation authorities, transportation benefit districts, and the amounts placed in the high occupancy vehicle account (RCW 81.100.070). It does not include federal funds specifically provided for non-roadway purposes, transportation vehicle funds used by school districts, funds used by airports or port districts, or the fares paid by customers of transit and ferry systems. The term "roads" would include all publicly owned roads, streets, and highways.

The measure would also require a performance audit on each transportation agency, account, and program, including the state department of transportation, the state ferry system, and all public transit agencies. The first audit report for each agency would be submitted by December 31, 2001, and subsequent performance audits would be conducted as determined necessary by the state auditor. Transportation funds would be used to pay for the performance audits.

The measure would exempt, from sales and use taxes, materials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

The measure would also require the updating of comprehensive plans developed under Chapter 36.70A RCW (the growth management act) and the six-year transportation plans required by RCW 44.40.070, to reflect the provisions and priorities of this measure.



COMPLETE TEXT OF Initiative Measure 713

AN ACT Relating to the humane treatment of wildlife and pets; adding new sections to chapter 77.15 RCW; creating a new section; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The people of the state of Washington find that this act is necessary in order to protect people and domestic pets and to protect and conserve wildlife from the dangers of cruel and indiscriminate steel-jawed leghold traps and poisons, and to encourage the use of humane methods of trapping when trapping is necessary to ensure public health and safety, protect livestock or property, safeguard threatened and endangered species, or conduct field research on wildlife.

NEW SECTION. Sec. 2. A new section is added to chapter 77.15 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 5 of this act.

(1) "Animal" means any nonhuman vertebrate.

(2) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

(3) "Person" means a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental instrumentality.

(4) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(5) "Animal problem" means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

NEW SECTION. Sec. 3. A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful to use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur.

(2) It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.

(3) It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to cap-

ture any animal, except as provided in subsections (4) and (5) of this section.

(4) Nothing in this section prohibits the use of a Conibear trap in water, a padded leghold trap, or a nonstrangling type foot snare with a special permit granted by the director under (a) through (d) of this subsection. Issuance of the special permits shall be governed by rules adopted by the department and in accordance with the requirements of this section. Every person granted a special permit to use a trap or device listed in this subsection shall check the trap or device at least every twenty-four hours.

(a) Nothing in this section prohibits the director, in consultation with the department of social and health services or the United States department of health and human services from granting a permit to use traps listed in this subsection for the purpose of protecting people from threats to their health and safety.

(b) Nothing in this section prohibits the director from granting a special permit to use traps listed in this subsection to a person who applies for such a permit in writing, and who establishes that there exists on a property an animal problem that has not been and cannot be reasonably abated by the use of nonlethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such nonlethal means cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by nonlethal control tools or if the tools cannot be reasonably applied, the director may authorize the use, setting, placing, or maintenance of the traps for a period not to exceed thirty days.

(c) Nothing in this section prohibits the director from granting a special permit to department employees or agents to use traps listed in this subsection where the use of the traps is the only practical means of protecting threatened or endangered species as designated under RCW 77.08.010.

(d) Nothing in this section prohibits the director from issuing a permit to use traps listed in this subsection, excluding Conibear traps, for the conduct of legitimate wildlife research.

(5) Nothing in this section prohibits the United States fish and wildlife service, its employees or agents, from using a trap listed in subsection (4) of this section where the fish and wildlife service determines, in consultation with the director, that the use of such traps is necessary to protect species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

NEW SECTION. Sec. 4. A new section is added to chapter 77.15 RCW to read as follows:

It is unlawful to poison or attempt to poison any animal using sodium fluoroacetate, also known as compound 1080, or sodium cyanide.

NEW SECTION. Sec. 5. A new section is added to chapter 77.15 RCW to read as follows:

Any person who violates section 3 or 4 of this act is guilty of a gross misdemeanor. In addition to appropriate criminal



COMPLETE TEXT OF Initiative Measure 713 (cont.)

penalties, the director shall revoke the trapping license of any person convicted of a violation of section 3 or 4 of this act. The director shall not issue the violator a trapping license for a period of five years following the revocation. Following a subsequent conviction for a violation of section 3 or 4 of this act by the same person, the director shall not issue a trapping license to the person at any time.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Initiative Measure 722

AN ACT Relating to limiting taxes; amending RCW 84.55.0101; reenacting and amending RCW 84.55.005; adding a new section to chapter 84.55; adding new sections to chapter 84.36 RCW; creating a new section; and repealing RCW 84.55.092.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

LIMITING TAXES BY INVALIDATING 1999 TAX INCREASES IMPOSED WITHOUT VOTER APPROVAL

NEW SECTION. Sec. 1. A new section is added to chapter 84.55 RCW to read as follows:

(1) Any tax increase adopted by the state from July 2, 1999, through December 31, 1999, is null and void and of no effect. All taxes collected as a result of such tax increases shall be refunded to the taxpayer.

(2) For the purposes of this section, "tax" includes, but is not necessarily limited to, sales and use taxes; property taxes; business and occupation taxes; fuel taxes; impact fees; license fees; permit fees; water, sewer, and other utility charges, including taxes, rates, and hook-up fees; and any other excise tax, fee, or monetary charge imposed by the state.

(3) For the purposes of this section, "tax" does not include:

- (a) Higher education tuition;
- (b) Civil and criminal fines and other charges collected in cases of restitution or violation of law or contract; and
- (c) The price of goods offered for sale by the state.

(4) For the purposes of this section, "tax increase" includes, but is not necessarily limited to, a new tax, a monetary increase in an existing tax, a tax rate increase, an expansion in the legal definition of a tax base, and an extension of an expiring tax.

(5) For the purposes of this section, "tax increase" does not include taxes approved by a vote of the people.

(6) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself and all its departments and agencies, any city, county, special district, and other political subdivision or governmental instrumentality of or within the state.

LIMITING TAXES BY EXEMPTING VEHICLES FROM PROPERTY TAXES

NEW SECTION. Sec. 2. A new section is added to chapter 84.36 RCW to read as follows:

(1) Vehicles are exempted from property taxes as long as the retail sales tax of chapter 82.08 RCW applies to vehicles.

(2) For purposes of this section, "vehicles" include all vehicles licensed under chapter 46.16 RCW including, but not necessarily limited to, personal and business owned cars, trucks, sport utility vehicles, motorcycles, motor homes, campers, travel trailers, and mobile homes held as inventory.

(3) The purpose of this section is to exempt from property taxes all vehicles previously exempted from property taxes prior to the adoption by the people of Initiative Measure No. 695, the \$30 License Tab Initiative.

LIMITING TAXES BY EXEMPTING INCREASES IN PROP- ERTY TAX VALUATIONS ABOVE 2% PER YEAR

NEW SECTION. Sec. 3. A new section is added to chapter 84.36 RCW to read as follows:

(1) As long as the sale of property is subject to the real estate excise tax in chapter 82.46 RCW and unless otherwise exempt from property taxes, a person shall be exempt from any legal obligation to pay the portion of property taxes attributable to any increase in value of property (other than for new construction or manufacture) over its 1999 valuation level, plus the lesser of 2% per year or inflation.

(2) As long as construction materials are subject to the retail sales tax of chapter 82.08 RCW, a person shall be exempt from any legal obligation to pay the portion of property taxes on newly constructed or manufactured property after 1999 over the property tax imposed on the owner of a comparable property constructed as of 1999, plus the lesser of 2% per year or inflation.

(3) For purposes of this section:

- (a) "Property" means real and personal property;
- (b) "1999 valuation level" means the correct valuation shown on the property tax statement in effect on January 1, 1999;
- (c) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable;

(d) "New construction or manufacture" does not include reconstruction after fire or other natural disaster and does not include maintenance or replacement of existing components, such as roofs, siding, windows, doors, and parts of equipment; and



COMPLETE TEXT OF Initiative Measure 722 (cont.)

(e) "Person" means any person or entity which pays property taxes.

(4) This tax exemption is based on:

(a) The need to promote neighborhood preservation, continuity, and stability by limiting the tax burden;

(b) The fact that many property owners have sold their property, or are considering the sale of property, because of the increased tax burden caused by rapid increases in property valuations; and

(c) All property owners are entitled to know that property taxes will be predictable and uniform for every present and future property owner.

NEW SECTION. Sec. 4. A new section is added to chapter 84.36 RCW to read as follows:

(1) Increases in property tax attributable to maintenance improvements made after January 1, 1999, shall be exempt from property taxes. This exemption promotes neighborhood preservation, continuity, and stability.

(2) This section applies as long as the retail sales tax of chapter 82.08 RCW remains in effect.

(3) For purposes of this section, "maintenance improvements" includes:

(a) reconstruction after fire and natural disaster; and

(b) replacement of existing components such as roofs, siding, windows, doors, and painting.

LIMITING TAXES BY LIMITING GROWTH OF PROPERTY TAXES TO 2% PER YEAR

Sec. 5. RCW 84.55.005 and 1997 c 393 s 20 and 1997 c 3 s 201 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable;

(2) "Limit factor" means:

(a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred ((six)) two percent;

(b) For taxing districts for which a limit factor is authorized under RCW 84.55.0101, the lesser of the limit factor under that section or one hundred ((six)) two percent;

(c) For all other districts, the lesser of one hundred ((six)) two percent or one hundred percent plus inflation; and

(3) "Regular property taxes" has the meaning given it in RCW 84.04.140.

Sec. 6. RCW 84.55.0101 and 1997 c 3 s 204 are each

amended to read as follows:

Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit factor under this chapter of one hundred ((six)) two percent or less. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only.

LIMITING TAXES BY REPEALING LAW WHICH ALLOWS "STOCKPILING" OF FUTURE PROPERTY TAX INCREASES

NEW SECTION. Sec. 7. RCW 84.55.092 (Protection of future levy capacity) and 1998 c 16 s 3, 1988 c 274 s 4, & 1986 c 107 s 3 are each repealed.

CONSTRUCTION CLAUSE

NEW SECTION. Sec. 8. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Initiative Measure 728

AN ACT Relating to public education and directing surplus state revenues to provide additional resources to support high standards of achievement for all students through class size reductions; extended learning opportunities for students who need or want additional time in school; investments in educators and their professional development; dedicating unrestricted lottery proceeds to schools; and authorizing school districts to receive funds from the state property tax levy; amending RCW 67.70.240, 84.52.067, 43.135.035, 43.135.045, and 28A.150.380; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 84.52 RCW; creating new sections; and providing effective dates.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. This act may be known and cited as the K-12 2000 student achievement act.

NEW SECTION. Sec. 2.



COMPLETE TEXT OF Initiative Measure 728 (cont.)

GENERAL PURPOSE

The citizens of Washington state expect and deserve great public schools for our generation of school children and for those who will follow. A quality public education system is crucial for our state's future economic success and prosperity, and for our children and their children to lead successful lives.

The purpose of this act is to improve public education and to achieve higher academic standards for all students through smaller class sizes and other improvements. A portion of the state's surplus general fund revenues is dedicated to this purpose.

In 1993, Washington state made a major commitment to improved public education by passing the Washington education reform act. This act established new, higher standards of academic achievement for all students. It also established new levels of accountability for students, teachers, schools, and school districts. However, the K-12 finance system has not been changed to respond to the new standards and individual student needs.

To make higher student achievement a reality, schools need the additional resources and flexibility to provide all students with more individualized quality instruction, more time, and the extra support that they may require. We need to ensure that curriculum, instruction methods, and assessments of student performance are aligned with the new standards and student needs. The current level of state funding does not provide adequate resources to support higher academic achievement for all students. In fact, inflation-adjusted per-student state funding has declined since the legislature adopted the 1993 education reform act.

The erosion of state funding for K-12 education is directly at odds with the state's "paramount duty to make ample provision for the education of all children...." Now is the time to invest some of our surplus state revenues in K-12 education and redirect state lottery funds to education, as was originally intended, so that we can fulfill the state's paramount duty.

Conditions and needs vary across Washington's two hundred ninety-six school districts. School boards accountable to their local communities should therefore have the flexibility to decide which of the following strategies will be most effective in increasing student performance and in helping students meet the state's new, higher academic standards:

- (1) Major reductions in K-4 class size;
- (2) Selected class size reductions in grades 5-12, such as small high school writing classes;
- (3) Extended learning opportunities for students who need or want additional time in school;
- (4) Investments in educators and their professional development;
- (5) Early assistance for children who need prekindergarten

support in order to be successful in school; and

- (6) Providing improvements or additions to facilities to support class size reductions and extended learning opportunities.

REDUCING CLASS SIZE

Smaller classes in the early grades can significantly increase the amount of learning that takes place in the classroom. Washington state now ranks forty-eighth in the nation in its student-teacher ratio. This is unacceptable.

Significant class size reductions will provide our children with more individualized instruction and the attention they need and deserve and will reduce behavioral problems in classrooms. The state's long-term goal should be to reduce class size in grades K-4 to no more than eighteen students per teacher in a class.

The people recognize that class size reduction should be phased-in over several years. It should be accompanied by the necessary funds for school construction and modernization and for high-quality, well-trained teachers.

EXTENDED LEARNING OPPORTUNITIES

Student achievement will also be increased if we expand learning opportunities beyond our traditional-length school day and year. In many school districts, educators and parents want a longer school day, a longer school year, and/or all-day kindergarten to help students improve their academic performance or explore new learning opportunities. In addition, special programs such as before-and-after-school tutoring will help struggling students catch and keep up with their classmates. Extended learning opportunities will be increasingly important as attainment of a certificate of mastery becomes a high school graduation requirement.

TEACHER QUALITY

Key to every student's academic success is a quality teacher in every classroom. Washington state's new standards for student achievement make teacher quality more important than ever. We are asking our teachers to teach more demanding curriculum in new ways, and we are holding our educators and schools to new, higher levels of accountability for student performance. Resources are needed to give teachers the content knowledge and skills to teach to higher standards and to give school leaders the skills to improve instruction and manage organizational change.

The ability of school districts throughout the state to attract and retain the highest quality teaching corps by offering competitive salaries and effective working conditions is an essential element of basic education. The state legislature is responsible for establishing teacher salaries. It is imperative that the legislature fund salary levels that ensure school districts' ability to recruit and retain the highest quality teachers.

EARLY ASSISTANCE

The importance of a child's intellectual development in the first five years has been established by widespread scientific research. This is especially true for children with disabilities and special needs. Providing assistance appropriate to



COMPLETE TEXT OF Initiative Measure 728 (cont.)

children's developmental needs will enhance the academic achievement of these children in grades K-12. Early assistance will also lessen the need for more expensive remedial efforts in later years.

NO SUPPLANTING OF EXISTING EDUCATION FUNDS

It is the intent of the people that existing state funding for education, including all sources of such funding, shall not be reduced, supplanted, or otherwise adversely impacted by appropriations or expenditures from the student achievement fund created in RCW 43.135.045 or the education construction fund.

INVESTING SURPLUS IN SCHOOLS UNTIL GOAL MET

It is the intent of the people to invest a portion of state surplus revenues in their schools. This investment should continue until the state's contribution to funding public education achieves a reasonable goal. The goal should reflect the state's paramount duty to make ample provision for the education of all children and our citizens' desire that all students receive a quality education. The people set a goal of per-student state funding for the maintenance and operation of K-12 education being equal to at least ninety percent of the national average per-student expenditure from all sources. When this goal is met, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety percent level.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.505 RCW to read as follows:

ACCOUNTABILITY. School districts shall have the authority to decide the best use of student achievement funds to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of this act.

(1) Student achievement funds shall be allocated for the following uses:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators, including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reim-

bursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school;

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed use of these funds to improve student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt a plan for the use of these funds for the upcoming school year. Annually, each school district shall provide to the citizens of their district a public accounting of the funds made available to the district during the previous school year under this act, how the funds were used, and the progress the district has made in increasing student achievement, as measured by required state assessments and other assessments deemed appropriate by the district. Copies of this report shall be provided to the superintendent of public instruction and to the academic achievement and accountability commission.

Sec. 4. RCW 67.70.240 and 1997 c 220 s 206 are each amended to read as follows:

The moneys in the state lottery account shall be used only:

(1) For the payment of prizes to the holders of winning lottery tickets or shares;

(2) For purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260;

(3) For purposes of making deposits into the ~~((state's general fund))~~ education construction fund and student achievement fund created in RCW 43.135.045. For the transition period from the effective date of this section until and including June 30, 2002, fifty percent of the moneys not otherwise obligated under this section shall be placed in the student achievement fund and fifty percent of these moneys shall be placed in the education construction fund. On and after July 1, 2002, until June 30, 2004, seventy-five percent of these moneys shall be placed in the student achievement fund and twenty-five percent shall be placed in the education construction fund. On and after July 1, 2004, all deposits not otherwise obligated under this section shall be placed in the education construction fund. Moneys in the state lottery account deposited in the education construction fund and the student achievement fund are included in "general state revenues" under RCW 39.42.070;



COMPLETE TEXT OF Initiative Measure 728 (cont.)

(4) For distribution to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs. Three million dollars shall be distributed under this subsection during calendar year 1996. During subsequent years, such distributions shall equal the prior year's distributions increased by four percent. Distributions under this subsection shall cease when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax under RCW 82.14.0485 is first imposed;

(5) For distribution to the stadium and exhibition center account, created in RCW 43.99N.060. Subject to the conditions of RCW 43.99N.070, six million dollars shall be distributed under this subsection during the calendar year 1998. During subsequent years, such distribution shall equal the prior year's distributions increased by four percent. No distribution may be made under this subsection after December 31, 1999, unless the conditions for issuance of the bonds under RCW 43.99N.020(2) are met. Distributions under this subsection shall cease when the bonds are retired, but not later than December 31, 2020;

(6) For the purchase and promotion of lottery games and game-related services; and

(7) For the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be distributed to school districts in the amounts and in the manner provided in this section.

(2) The amount of the distribution to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year, and shall be calculated as follows:

(a) Out of taxes collected in calendar years 2001 through and including 2003, an annual amount equal to one hundred forty dollars per each full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on one hundred forty dollars per full-time equivalent student in the school district for each year beginning with the school year 2001-2002.

(b) Out of taxes collected in calendar year 2004, an annual amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent

student for each year beginning with the school year 2004-2005. Each subsequent year, the amount deposited shall be adjusted for inflation as defined in RCW 43.135.025(7).

(3) The office of the superintendent of public instruction shall verify the average number of full-time equivalent students in each school district from the previous school year to the state treasurer by August 1st of each year.

NEW SECTION. Sec. 6. Section 5 of this act applies to taxes levied in 2000 for collection in 2001 and thereafter.

Sec. 7. RCW 84.52.067 and 1967 ex.s. c 133 s 2 are each amended to read as follows:

All property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280, except for the amounts collected under section 5 of this act which shall be directly deposited into the student achievement fund and distributed to school districts as provided in section 5 of this act.

Sec. 8. RCW 43.135.035 and 1994 c 2 s 4 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2) (a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The office of financial management shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency



COMPLETE TEXT OF Initiative Measure 728 (cont.)

and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the office of financial management shall lower the state expenditure limit to reflect the shift. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under section 5 of this act, in support of education or education expenditures.

Sec. 9. RCW 43.135.045 and 1994 c 2 s 3 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of ~~((biennial))~~ annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer ~~((to the education construction fund hereby created in the treasury))~~ as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education,

as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

Sec. 10. RCW 28A.150.380 and 1995 c 335 s 103 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010.

(2) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

NEW SECTION. Sec. 11. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act takes effect January 1, 2001, except for section 4 of this act which takes effect July 1, 2001.



COMPLETE TEXT OF Initiative Measure 729

AN ACT Relating to education; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1. INTENT.** The People intend to authorize the establishment of charter public schools for the purpose of providing more, high-quality public school choices for families, students and teachers. High-quality public school choices are those proven and promising learning environments that are likely to result in improved student achievement.

NEW SECTION. **Sec. 2. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) **“Applicant”** means a nonprofit corporation that has submitted an application to a sponsor to obtain approval to operate a charter public school. The nonprofit corporation must either be a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(2) **“Charter”** means a contract between an applicant and a sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter public school.

(3) **“Charter public school”** means a public school managed by an applicant’s board of directors and operating independently of any school district board under a charter approved in accordance with this chapter.

(4) **“Board of directors”** means the board of directors of the public benefit nonprofit corporation that manages and operates the charter public school.

(5) **“Sponsor”** means:

(a) The school district in which the charter public school is located; or

(b) any state or regional university as defined in RCW 28B.10.016.

Charter public schools sponsored under (b) of this subsection shall be approved by the governing board of the sponsoring institution or by an official or agency designated by and accountable to the governing board.

NEW SECTION. **Sec. 3. CHARTER PUBLIC SCHOOLS--POWERS.**

(1) The charter public school’s board of directors may hire, manage, and discharge any charter public school employee in accordance with the terms of this chapter and that school’s charter.

(2) The charter public school’s board of directors may enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services.

(3) Charter public schools may rent, lease, or own property, but may not acquire property by eminent domain. All charters and charter public school contracts with other public and private entities must include provisions regarding the disposition of the property if the charter public school fails to open as planned, closes, or the charter is revoked or not renewed. Charter public schools may accept gifts and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter public schools may not accept any gifts or donations the conditions of which violate this chapter.

(4) Neither a charter public school sponsor nor the school district in which the charter public school is located is liable for acts or omissions of a charter public school, including acts or omissions related to the application, the charter, the operation, and the performance of the charter public school.

(5) Charter public schools may not charge tuition, levy taxes, or issue tax-backed bonds, however they may charge fees for optional noncredit extracurricular events.

(6) Charter public schools may issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. No such issuance shall constitute an obligation, either general, special or moral of the state, the charter public school sponsor, the school district in which the charter public school is located or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of (a) the state, (b) the charter public school sponsor, (c) the school district in which the charter public school is located or (d) any other political subdivision or agency of the state may be pledged for the payment of such debt.

NEW SECTION. **Sec. 4. LEGAL STATUS.** A charter public school is a public school including one or more grades, kindergarten through twelve, operated by a public benefit nonprofit corporation, according to the terms of a renewable five-year contract granted by a sponsor.

NEW SECTION. **Sec. 5. CHARTER PUBLIC SCHOOLS--EXEMPTIONS.**

(1) A charter public school shall operate independently of any school district board, under a charter approved by a sponsor under this chapter.

(2) Charter public schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors except as provided in this chapter



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and in the school's approved charter.

(3) A charter public school's board of directors may elect to comply with one or more provisions of the statutes or rules that are applicable to school districts and school district board of directors.

(4) All approved charter public schools shall:

(a) Comply with state and federal health, safety, and civil rights laws applicable to school districts;

(b) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.230 and the elementary, middle school, and high school standards and assessment examinations as required in RCW 28A.655.060;

(c) Employ certificated instructional staff as required in RCW 28A.410.010, however charter public schools may, like other public schools, hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260;

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Be subject to the same financial and audit requirements as a school district;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Report at least annually to its sponsor and to parents of children enrolled at the charter public school on progress toward the student performance goals specified in the charter; and

(h) Comply with the open public meetings act in chapter 42.30 RCW.

NEW SECTION. **Sec. 6. ADMISSION REQUIREMENTS.**

(1) A charter public school must enroll all students who submit a timely application. If capacity is insufficient to enroll all students who submit a timely application, the charter public school must give enrollment priority to students who reside within the school district boundaries in which the charter public school is physically located. Priority also must be given to siblings of students who are currently enrolled in the school. Schools that convert to charter public schools must also give priority to the students who are currently enrolled in the school. When too many students of equal priority have applied, a lottery shall be used to select the specific students who are offered admission.

(2) A charter public school may not limit admission based on race, religion, ethnicity, national origin, gender, income level, intellectual ability, disabling condition, proficiency in the English language, or athletic ability. A charter public school may limit admission to students within a given age group or grade level.

NEW SECTION. **Sec. 7. CHARTER APPLICATION--CHARTERING PROCESS.**

(1) An applicant may apply to a sponsor to establish a charter public school as provided in this section.

(2) An application for a charter public school may be submitted to any qualified sponsor.

(3) If an applicant applies to the local school district for sponsorship, the local school district board of directors must hold a public hearing in the school district on the application within sixty days of receipt of the application. The school board must either accept or reject the application within thirty days after the hearing. The thirty-day deadline for acceptance or rejection of the charter public school application may be extended for an additional thirty days if both parties agree in writing.

(4) If the local school board rejects the application, the school board must notify the applicant in writing of the reasons for the rejection. The applicant may submit a revised application for the school board's reconsideration. The school board may provide assistance to improve the application. If the school board rejects the application after submission of a revised application, the school board must notify the applicant in writing of the reasons for the rejection.

(5) If an applicant applies to a sponsor other than a local school district, that public agency must comply with the procedures specified in subsections (1) through (4) of this section for consideration of charter public school applications. Such a sponsor is not bound by another sponsor's findings or decision to deny the application, if any.

(6) The superintendent of public instruction shall maintain copies of all approved charter public school applications. Any interested person may obtain copies of those applications from the office of the superintendent of public instruction.

(7) Only the local school district may sponsor the conversion of a conventional public school to a charter public school.

NEW SECTION. **Sec. 8. APPLICATION REQUIREMENTS.**

The charter public school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names and descriptions of the individuals who will operate the school;

(2) The nonprofit corporation's articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed school, consistent with the description of legislative intent in this chapter;

(4) A description of the school's educational program, including curriculum and instructional strategies;

(5) A description of the school's admissions policy and marketing program, including deadlines for applications or admission;

(6) A description of student performance standards that must meet those determined under RCW 28A.655.060, and be measured according to the assessment system determined under RCW 28A.655.060;

(7) A description of the plan for evaluating student performance and the procedures for taking corrective action in the event that student performance at the charter public school falls below standards established in its charter;



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(8) A description of the financial plan for the school. The plan shall include: (a) a proposed five-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a five-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for equipment and services, leases, improvements, purchases of real property, and insurance;

(9) A description of the proposed financial management procedures, including annual audits of the school's financial and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain that are adequate. For purposes of this subsection, a liability policy of between one million and five million dollars is required;

(11) A description of the procedures to discipline and dismiss students; and

(12) A description of the procedures to assure the health and safety of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations.

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsor or alternate sponsor may approve an application for a charter public school, if in its reasonable judgment, after exercising due diligence and good faith, the sponsor or alternate sponsor finds:

(1) The applicant is a public benefit nonprofit corporation and the individuals it proposes to manage the school are qualified to operate a charter public school and implement the proposed educational program;

(2) The mission statement is consistent with the description of legislative intent and restrictions on charter public school operations in this chapter;

(3) The school's proposed educational program is free from religious or sectarian influence;

(4) The school's proposed educational program includes student academic performance standards that meet those determined under RCW 28A.655.060 and are measured according to the assessment system determined under RCW 28A.655.060;

(5) The application includes a viable plan for evaluating pupil performance and procedures for taking appropriate corrective action in the event that pupil performance at the charter public school falls below standards established in its charter;

(6) The school's educational program, including curriculum and instructional strategies, is likely to improve student performance as measured under section 5 of this act;

(7) The application includes school performance standards, which must meet those determined under the state-wide accountability system adopted by the legislature pursuant to RCW 28A.655.060(3)(h)(i);

(8) The school's admissions policy and marketing program is consistent with state and federal law;

(9) The financial plan for the school is designed to reasonably support the charter public school's educational program based on a review of the proposed five-year budget of projected revenues, expenditures, and facilities;

(10) The school's financial and administrative operations, including its annual audits, meet or exceed generally accepted standards of accounting and management;

(11) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. For purposes of this subsection, a liability policy of between one million and five million dollars is required;

(12) The procedures the school plans to follow for discipline and dismissal of students are reasonable and comply with federal law;

(13) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable state and federal health and safety laws and regulations; and

(14) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).

NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT.

(1) A charter application approved by a sponsor with any changes constitutes a charter.

(2) A charter may be amended during its term at the request of the charter public school board of directors and on the approval of the sponsor.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION.

(1) An approved plan to establish a charter public school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter public school may apply for renewal to its sponsor or an alternate sponsor. A request for renewal must be submitted no later than six months before the expiration of the charter. If the request is to an alternate sponsor, the alternate sponsor shall follow the procedures in section 7 of this act.

(2) A charter public school renewal application must include:

(a) A report on the progress of the charter public school in achieving the goals, student performance standards, and other terms of the charter; and

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter public school.

(3) The sponsor may reject the application for renewal if



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any of the following occurred:

(a) The charter public school materially violated its contract with the sponsor, as set forth in the charter;

(b) The students enrolled in the charter public school failed to meet student performance standards identified in the charter;

(c) The charter public school failed to meet generally accepted standards of fiscal management; or

(d) The charter public school violated provisions in law that have not been waived in accordance with this chapter.

(4) A sponsor shall give written notice of its decision to grant or deny the charter public school's request for renewal within three months of receiving the request for renewal. If its decision is to deny the request, the sponsor shall provide the charter public school with a reasonable opportunity to correct each identified deficiency in its operation. At the request of the board of directors of the charter public school, the sponsor shall review its denial of the request for renewal after the charter public school has corrected any identified deficiencies, and may, in its discretion, reverse its previous decision and grant the charter public school's request for renewal.

(5) The sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, for any of the reasons specified in subsection (3) of this section. Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor first provides written notice of the specific violations alleged, a public hearing, and a reasonable opportunity for the charter public school to correct the identified areas of concern. The sponsor of a charter public school shall provide for an appeal process upon a determination by the sponsor that grounds exist to revoke a charter.

NEW SECTION. **Sec. 12. FUNDING.**

(1) If the sponsor is a school district:

(a) For purposes of funding, students in charter public schools shall be considered students of the sponsoring district for general fund apportionment purposes. Without violating the provisions of section 13 of this act, the sponsoring school district shall provide prompt and timely funding for charter public schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter public school in the district except that a charter public school shall not generate eligibility for small school assistance. Funding for charter public schools shall include regular apportionment, categorical, and nonbasic education funds, as appropriate and shall be based on enrollment and other financial information submitted by the charter public school to the school district as is required to determine state apportionment amounts;

(b) Local levy moneys approved by the voters before the effective date of a charter between a school district and an applicant shall not be allocated to a charter public school unless the sponsoring school district determines it has received sufficient authority from voters to allocate maintenance and operation excess tax levy money to the charter public school. For levies approved after the effective date of a charter, charter public schools shall be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district; and

(c) A charter public school is eligible for state matching funds for common school construction if a sponsoring school district determines it has received voter approval of local capital funds for the project.

(2) Conventional public schools which convert to charter public schools shall receive funding in the same manner as other district-sponsored charter public schools.

(3) If the sponsor is not a school district, students in the charter public school shall still be considered students of the district in which the charter public school is located for general fund apportionment purposes. Without violating the provisions of section 13 of this act, the superintendent of public instruction shall provide prompt and timely funding for charter public schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter public school in the district except that a charter public school shall not generate eligibility for small school assistance. The funding shall include regular apportionment, categorical, and nonbasic education funds and shall be based on enrollment and other financial information submitted by the charter public school to the school district and the superintendent of public instruction, as is required to determine state apportionment amounts.

(4) No local levy money may be allocated to a charter public school if the charter public school is sponsored by any public agency other than the local school district.

NEW SECTION. **Sec. 13. ADMINISTRATION FEE.** To offset costs of oversight and administering the charter, a sponsor may retain up to three percent of state funding and local excess levy funding, if applicable, that is being driven to the charter public school. Except for the administration fee in this section, no other offsets or deductions are allowed, whether for central administration or other off-site support services, from a charter public school's per-pupil share of state appropriations, local levies, or other funds, unless the charter public school has voluntarily contracted with its sponsor to obtain specific additional services.

NEW SECTION. **Sec. 14. CHARTER PUBLIC SCHOOL ASSISTANCE ACCOUNT.** The charter public school assistance account is created in the custody of the state treasurer. All receipts from appropriations shall be deposited into the account. Expenditures from the account may be used only to provide financial grants to approved charter public schools for start-up costs. Charter public schools may receive up to two hundred fifty dollars per student for start-



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up costs. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Start-up moneys shall be distributed to schools with approved charters on a first-come, first-served basis.

NEW SECTION. Sec. 15. RULES--GRANTS. The office of the superintendent of public instruction shall adopt rules to implement section 14 of this act. If an applicant for a charter public school receives a grant under section 14 of this act and fails to begin operating a charter public school within the next eighteen months, the applicant must immediately reimburse the office of the superintendent of public instruction for the amount of the grant.

NEW SECTION. Sec. 16. LEAVES OF ABSENCE. If a school district employee makes a written request for an extended leave of absence to work at a charter public school, the school district shall grant the request. The school district may require that the request for a leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for up to three years. If the employee returns to the school district within the three-year period, the employee shall be hired before the district hires anyone else with fewer years of service, with respect to any position for which the returning employee is certified or otherwise qualified.

NEW SECTION. Sec. 17. STUDY OF CHARTER PUBLIC SCHOOLS. The Washington institute of public policy shall study the implementation and effectiveness of this act. The institute shall make recommendations to the legislature about the effectiveness of charter public schools and the impact of charter public schools. The institute shall also recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by September 1, 2002, and a final report is due September 1, 2004.

NEW SECTION. Sec. 18. NUMBER OF CHARTER PUBLIC SCHOOLS.

(1) The maximum number of charters that can be granted under this chapter is twenty in any given year commencing January 1, 2001, for the first four years. These annual allocations shall be cumulative so that if the maximum is not reached in any given year the maximum shall be increased accordingly for the successive years.

(2) A sponsor may not sponsor a charter public school in a school district with a student enrollment of less than one thousand students until January 1, 2003.

(3) For purposes of monitoring compliance with this section and providing information to new charter public school applicants, the superintendent of public instruction shall maintain a running total of the projected and actual enrollment at charter public schools and the number of charters granted.

(4) For purposes of implementing this subsection, a sponsor shall notify the office of the superintendent of public instruction when it receives a charter public school application, when it approves a charter public school, and when a charter public school is renewed or terminated.

(5) The maximum number of charter public schools allowed under this section does not include conventional public schools converting to charter public schools.

NEW SECTION. Sec. 19. A new section is added to chapter 41.56 RCW to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

This chapter applies to charter public schools as defined in section 2 of this act and the charter public school's employees included in the bargaining unit. The bargaining unit of employees of charter public schools must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. Sec. 20. A new section is added to chapter 41.59 RCW to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

This chapter applies to collective bargaining agreements between charter public schools and the employees of charter public schools included in the bargaining unit. The bargaining unit of employees of charter public schools must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

Sec. 21. RCW 41.59.080 and 1998 c 244 s 11 are each amended to read as follows:

COLLECTIVE BARGAINING RIGHTS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in RCW 41.59.070(3), and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employ-



COMPLETE TEXT OF Initiative Measure 729 (cont.)

ees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts; and

(8) The bargaining unit of certificated employees of school districts, educational service districts, or institutions of higher education that are education providers under chapter 28A.193 RCW must be limited to the employees working as education providers to juveniles in each adult correctional facility maintained by the department of corrections and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education; and

(9) The bargaining unit for employees of charter public schools as defined in section 2 of this act must be limited to the employees of the charter public school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. **Sec. 22.** A new section is added to chapter 41.32 RCW under subpart "Provisions applicable to plan I, plan II, and plan III" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter public

school teachers are members under this chapter.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

(3) "Charter public school" means the same as defined in section 2 of this act.

NEW SECTION. **Sec. 23.** A new section is added to chapter 41.35 RCW under subpart "Provisions applicable to plan II and plan III" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter public school employees other than teachers are members under this chapter.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

(3) "Charter public school" means the same as defined in section 2 of this act.

(4) This section takes effect September 1, 2001.

NEW SECTION. **Sec. 24.** A new section is added to chapter 41.40 RCW under subpart "Provisions applicable to plan I and plan II" to read as follows:

RETIREMENT PLAN BENEFITS OF CHARTER PUBLIC SCHOOL EMPLOYEES.

(1) Charter public schools are employers and charter public school employees other than teachers are members under this chapter. RCW 41.40.750 applies to charter public school employees who are not in plan I under this chapter on September 1, 2001.

(2) This section takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

(3) "Charter public school" means the same as defined in section 2 of this act.

NEW SECTION. **Sec. 25. CAPTIONS NOT LAW.** Captions used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 26. NEW CHAPTER IN TITLE 28A RCW.** Sections 1 through 18 and 25 of this act constitute a new chapter in Title 28A RCW.



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NEW SECTION. **Sec. 27. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 28. INTEGRATION WITH OTHER STATUTES.** Within one year of the enactment of this act, the house of representatives and senate committees on education shall develop and recommend legislation, if any is necessary, to bring Title 28A RCW into compliance with this act. Any failure to pass any such legislation shall not, however, affect the validity and enforceability of this act.

NEW SECTION. **Sec. 29. CHOICE OF LAW.** If any provisions of this initiative are in conflict with the provisions of any other initiative enacted by the People at the same election, the provisions of this initiative shall be given precedence.



COMPLETE TEXT OF Initiative Measure 732

AN ACT Relating to an annual cost-of-living increase for K-12 teachers and other school employees and for community and technical college faculty and other technical college employees; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28B.50 RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The Washington Constitution establishes “the paramount duty of the state to make ample provision for the education of all children.” Providing quality education for all children in Washington requires well-qualified and experienced teachers and other school employees. However, salaries for educators have not kept up with the increased cost-of-living in the state. The failure to keep up with inflation threatens Washington’s ability to compete with other states to attract first-rate teachers to Washington classrooms and to keep well-qualified educators from leaving for other professions. The state must provide a fair and reasonable cost-of-living increase to help ensure that the state attracts and keeps the best teachers and school employees for the children of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.400 RCW to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase for the salaries, including mandatory salary-related benefits, of all employees of the district.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district’s salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for all school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the state-wide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(d) Beginning with the 2001-02 school year, the state shall fully fund the cost-of-living increase in this section as part of its obligation to meet the basic education requirements under Article IX of the Washington Constitution.

(2) For the purposes of this section, “cost-of-living index” means, for any school year, the previous calendar year’s annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, “academic employee” has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with



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the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, the state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "technical college" has the same meaning as defined in RCW 28B.50.030. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A technical college board of trustees shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, the state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current

base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Initiative Measure 745

AN ACT Relating to improving traffic; adding a new section to chapter 47.01 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 44.40 RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

IMPROVING TRAFFIC BY MAKING ROAD CONSTRUCTION AND ROAD MAINTENANCE THE TOP PRIORITY OF THE STATE TRANSPORTATION SYSTEM

NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

New road and lane construction and road maintenance shall be the state's top priority for transportation system improvements.

IMPROVING TRAFFIC BY REQUIRING 90% OF TRANSPORTATION FUNDS BE SPENT ON ROAD CONSTRUCTION AND ROAD MAINTENANCE

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

(1) The legislature, in consultation with local governments, shall adopt implementing legislation which requires a minimum of 90% of transportation funds to be spent on construction of new roads, new lanes on existing roads, improvements to the traffic carrying capacity of roads, or maintenance of roads.

(2) For the purposes of this section, "transportation funds" are government funds spent for transportation purposes, including, but not necessarily limited to, the transportation fund, the highway fund, public transit and ferry operating accounts and reserves, public transit and ferry capital accounts and reserves, local government transportation accounts, public



COMPLETE TEXT OF Initiative Measure 745 (cont.)

transportation authorities, transportation benefit districts, and the account established in RCW 81.100.070.

(3) For the purposes of this section, "transportation funds" do not include federal funds which the federal government requires to be spent on purposes other than construction of new roads, new lanes on existing roads, improvements to the traffic carrying capacity of roads, or maintenance of roads.

(4) For the purposes of this section, "transportation funds" do not include transportation vehicle funds used for school districts or funds used by airports or port districts, or public ferry and public transit fares.

(5) For the purposes of this section, "roads" includes all publicly owned roads, streets, and highways.

(6) For the purposes of this section, a regional transportation authority created pursuant to chapter 81.112 RCW shall make expenditures of transportation funds for projects, programs, and services within the area boundaries of that regional transit authority.

(7) The office of financial management shall provide a report detailing transportation expenditures beginning August 1, 2001, and every year thereafter, to ensure compliance with this section.

IMPROVING TRAFFIC BY REQUIRING PERFORMANCE AUDITS OF TRANSPORTATION AGENCIES

NEW SECTION. Sec. 3. A new section is added to chapter 43.09 RCW to read as follows:

The state auditor shall conduct a performance audit on each transportation agency, account, and program, including, but not necessarily limited to, the department of transportation, the state ferry system, and all public transit agencies in the state. Transportation funds shall be used for the cost of each audit. The first audit report for each transportation agency, account, and program shall be submitted to the legislature and made available to the public on or before December 31, 2001. Subsequent performance audits shall be conducted when determined necessary by the state auditor.

IMPROVING TRAFFIC BY EXEMPTING ROAD CONSTRUCTION MATERIALS AND LABOR FROM SALES AND USE TAXES

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The taxes levied by RCW 82.08.020 shall not apply to materials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The taxes levied by RCW 82.12.020 shall not apply to ma-

terials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

IMPROVING TRAFFIC BY UPDATING TRANSPORTATION PLANS

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

The traffic element of comprehensive plans developed under RCW 36.70A.070(6)(a) and development regulations shall be updated to reflect the provisions and priorities of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 44.40 RCW to read as follows:

Comprehensive plans developed under RCW 44.40.070 shall be updated to incorporate the funding priorities established by this act.

CONSTRUCTION CLAUSE

NEW SECTION. Sec. 8. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



COMPLETE TEXT OF Senate Joint Resolution 8214

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund ((or)), industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.